

24.05.2024.  
Court No.13  
Item No. 31  
ap

**W.P.A. No. 11884 of 2023**  
**With**  
**I.A. No. CAN 1 of 2023**

**Gita Bera**  
**Versus**  
**The State of West Bengal & Ors.**

Mr. Nilanjan Adhikari,  
Mr. R. Chaudhury.

...For the petitioner.

Mr. Biswarup Biswas.

...For the State.

**Re: CAN 1 of 2023 (Restoration)**

1. Sufficient grounds are available to explain the absence of the petitioner and/or her Counsel on 25<sup>th</sup> September, 2023 before a Co-ordinate Bench of this Court.
2. The said order is recalled and the writ petition is restored to its file and number.
3. Accordingly, CAN 1 of 2023 is disposed of.
4. There will be, however, no order as to costs.

**Re: W.P.A. No. 11884 of 2023**

1. The petitioner seeks arrears of pension upon conversion from CPF to GPF on account of the service of her husband.
2. The petitioner is receiving the family pension. She has been paid arrears of pension from the date of refund of the employer's contribution towards CPF along with interest. She, however, has not been paid

arrears of pension from the date of superannuation i.e. 1<sup>st</sup> May, 1999 to 11<sup>th</sup> August, 2015.

3. It is now well-settled by several decisions of Special Benches of this Court in the case of Md. Abdul Ghani – Vs. – The State of West Bengal & Ors passed in APOT 104 of 2006 that pension shall be payable from the date of superannuation of the teacher concerned. The petitioner is also entitled to interest on the arrears of pension for the period indicated hereinabove as settled by this Court in the case of Swapan Kumar Chakraborty – Vs. – The State of West Bengal & Ors. in WPA 2889 of 2024 by judgments and orders dated 15<sup>th</sup> April, 2024 and 31<sup>st</sup> April, 2024.

4. In those circumstances, the Director of Pension, Provident Fund and Group Insurance, West Bengal shall release all arrears of pension to the petitioner from 1<sup>st</sup> May, 1999 to 11<sup>th</sup> August, 2015 within a period of one month from date together with interest at the rate of 7% per annum. In default of payment of arrears within the period as aforesaid, the rate of interest shall increase to 9% per annum.

5. With the aforesaid directions, the instant writ petition shall stand disposed of.

6. There will be no order as to costs.

7. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

**(*Rajasekhar Mantha, J.*)**